

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/611,971	CHEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tam Nguyen	3764	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview on 9/15/05.
2. ☒ The allowed claim(s) is/are 1.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>Same as Allowance</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                                  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

1. Authorization for this examiner's amendment was given in a telephone interview with Eugene Mar on September 15, 2005.
2. The application has been amended as follows:

In the Specification:

On page 1, line 18, delete "which is rolls" and insert --which rolls--

On page 3, line 3, delete "an pedal" and insert --a pedal--

On page 3, line 5, delete "a connection bars" and insert --connection bars--

On page 3, line 13, delete "a angle" and insert --an angle--

In Claim 1:

On line 1, delete "An pedal assembly for an elliptical exerciser which comprises" and insert --An elliptical exerciser comprising--

On line 6, delete "extension link" and insert --extension links--

On line 9, delete "the frame and the other" and insert --the frame, the other--

On line 10, delete "the pedal assembly comprising:" and insert --and a pedal assembly that includes--

On line 20, delete "a angle" and insert --an angle--

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On line 24, delete "end plate." and insert --end plate wherein the pedals may be angularly adjustable relative to the pedal frames.--

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

3. In view of the amendments and after carefully considering the related prior art, the claims as presented avoid the prior art of record. The prior art does not disclose an elliptical exerciser having a frame, a wheel connected to the frame, a crank connected to the wheel, a crank having two ends each with an extension link, a connection bar pivotally connected at its mediate portion to an end of an extension link, a handle connected to the other end of the extension link, a link pivotally connected at one end to an end of the connection bar and at the other end to the frame, two rails having one end connected to the frame and the other end connected to a lifting device and an adjustable pedal assembly. In particular, the pedal assembly includes a pedal frame having a first end pivotally connected to the other end of the connection bars, a second end that includes two side walls and an end plate connecting the two side walls wherein each of the side walls include a hole having three notches, a roller connected to the pedal frame and movably engaged to the rail, and a pedal having connection plates that are pivotally connected to the two side walls wherein each connection plate includes a set slot and a side slot in communication with each other and having an angle defined between the axis of each slot, a pin extending through one of the set slot, the sliding slot and the hole, a bolt extending through the end plate and fixedly connected to a mediate portion of the pin and a spring mounted to the bolt and biased between the pin and the

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end plate such that the pin may be moved in and out of the notches to vary the angle of the pedal relative to the pedal frame.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rodgers, Jr. '589 discloses an elliptical exercise device having means for varying the position of a foot support relative to a reciprocating member (see Figs. 8a-8f).

Farney '096 discloses an elliptical exercise device that includes foot pedals that are allowed pivot during exercise (see Figs. 1, 5 9-14).

Lai '665 disclose an exercise device having foot pedals that are adjustable relative to a connection bar (see Figs. 2 & 3).

Fay, III '355 discloses a pedal that can be angularly adjustable relative to a support bar (see Figs. 1 and 2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 16, 2005

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STEPHEN R. CROW  
PRIMARY EXAMINER  
ART UNIT 332